

IN THE SENATE

SENATE BILL NO. 1105

BY EDUCATION COMMITTEE

AN ACT

RELATING TO HARASSMENT, INTIMIDATION OR BULLYING OF A STUDENT; AMENDING SECTION 18-917A, IDAHO CODE, TO PROVIDE WHAT IS INCLUDED WITHIN THE TERM "HARASSMENT, INTIMIDATION OR BULLYING," TO REVISE WHO MAY BE FOUND GUILTY OF THE OFFENSE, TO REPLACE DISCRETIONARY LANGUAGE WITH MANDATORY LANGUAGE AND TO PROVIDE A MISDEMEANOR PENALTY FOR A THIRD OFFENSE; AND AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1626, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR HARASSMENT, INTIMIDATION AND BULLYING INFORMATION AND PROFESSIONAL DEVELOPMENT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-917A, Idaho Code, be, and the same is hereby amended to read as follows:

18-917A. STUDENT HARASSMENT -- INTIMIDATION -- BULLYING. (1) No student or youth of school age shall intentionally commit, or conspire to commit, an act of harassment, intimidation or bullying against another student.

(2) As used in this section, "harassment, intimidation or bullying" means any intentional gesture, or any intentional written, verbal or physical act or threat by a student that:

(a) A reasonable person under the circumstances should know will have the effect of:

(i) Harming a student; or

(ii) Damaging a student's property; or

(iii) Placing a student in reasonable fear of harm to his or her person; or

(iv) Placing a student in reasonable fear of damage to his or her property; or

(b) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

Harassment, intimidation or bullying includes, but is not limited to, incidents perpetrated against a student because of any actual or perceived differentiating characteristic or by association with a person who has or is perceived to have one (1) or more of these characteristics. An act of harassment, intimidation or bullying may also be committed through the use of a land line, car phone or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network.

(3) A student ~~who personally violates~~ or youth of school age found guilty of violating any provision of this section ~~may for the first or second time~~ shall be guilty of an infraction. Being found guilty of any provision of this section for a third time shall be a misdemeanor.

1       SECTION 2. That Chapter 16, Title 33, Idaho Code, be, and the same is  
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
3 ignated as Section 33-1626, Idaho Code, and to read as follows:

4       33-1626. REQUIREMENTS FOR HARASSMENT, INTIMIDATION AND BULLYING IN-  
5 FORMATION AND PROFESSIONAL DEVELOPMENT. (1) School districts and charter  
6 schools shall undertake all reasonable efforts to ensure that information on  
7 harassment, intimidation and bullying of students is disseminated annually  
8 to all school personnel, parents and students, including an affirmation  
9 that school personnel are authorized and expected to intervene or facilitate  
10 intervention on behalf of students facing harassment, intimidation or bul-  
11 lying.

12       (2) School districts and charter schools shall provide ongoing profes-  
13 sional development to build skills of all school staff members to prevent,  
14 identify and respond to harassment, intimidation and bullying. The state  
15 board shall promulgate rules regarding the content of the professional de-  
16 velopment required by this subsection.